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# TURNCOATS AND DOUBLE AGENTS IN RESTORATION AND REVOLUTIONARY ENGLAND: THE CASE OF ROBERT FERGUSON, THE PLOTTER

*Melinda S. Zook*

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The conspirator and polemicist Robert Ferguson, known as “the Plotter,” captured the imagination of many during the era of Restoration and Revolution in Britain.<sup>1</sup> John Dryden immortalized him in *The Second Part of Absalom and Achitophel* as “Judas,” the first Earl of Shaftesbury’s paymaster of Whig scribblers who “keeps the Rebels Pension-purse.” In *Love Letters Between a Nobleman and His Sister*, Aphra Behn transformed him into the wizard “Fergusano,” the black fiend who coaxes the Duke of Monmouth into launching his disastrous rebellion.<sup>2</sup> Diarists including Bishop Burnet, Narcissus Luttrell, and John Evelyn wrote about him.<sup>3</sup> Important political operatives like Shaftesbury and Sir Robert Harley kept him in their company, as did several of the great divines of the age such as John Owen, the Independent and former chaplain of Oliver Cromwell. However, most contemporaries felt about the infamous plotter as Dryden and Behn did: that he was a cipher, a liar, and double-crosser, and even those who once trusted him, like Monmouth, learned to sorely regret their misplaced faith. “Ferguson was a hot and bold man,” writes Bishop Burnet, “whose spirit was naturally turned to plotting; he was always unquiet, and setting people on to some mischief; I knew a private thing of him, by which it appeared he was a profligate knave, and could cheat those that trusted him entirely . . . he was at bottom a very empty man.”<sup>4</sup>

Historians find Ferguson something of a puzzle, making the fact that he turns up in nearly every major plot and conspiracy between the Exclusion Crisis (1679–81) and the Jacobite Rising of 1715 problematic, if not downright annoy-

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ing. Not only does Ferguson often have a starring role in all the major Whig and Jacobite plots of the 1680s, 1690s, and early 1700s, as a prolific propagandist, he added his voice to print debates over issues of trade; religious nonconformity and liberty of conscience; the Popish Plot and succession controversy; the suspicious death of the Earl of Essex in the Tower in 1683; the Duke of Monmouth's claim to the throne; the legitimacy of the Glorious Revolution; the illegitimacy of the Glorious Revolution; Scottish grievances following the Revolution; anti-Dutch sentiment; war weariness; and Court corruption. Born in Aberdeenshire, Ferguson began his career as a Presbyterian minister who came to England sometime in the 1650s. After his ejection in 1662, he converted to Independency in the 1670s, became one of Shaftesbury's hacks during the Popish Plot and Exclusion Crisis, and was deeply complicit in the Rye House Plot of 1682/83. He accompanied Monmouth in 1685 and penned his infamous declaration. Although he accompanied the Prince of Orange in 1688, by 1690 he had converted to Jacobitism and subsequently joined the Church of England. In some way or another he was involved in the Montgomery, Lancashire, Barclay, and Scots plots, yet he died in his bed—in penury but not in prison—in 1714.<sup>5</sup>

At the heart of the Ferguson enigma is his sudden conversion to the cause of the king without a kingdom, James II, after years spent disseminating antipapist and anti-Stuart propaganda and Whig and republican political tenets, and taking part in the Exclusionist plots against the Duke of York, the Monmouth Rebellion, and the Glorious Revolution. Ferguson's transformation from Whig to Jacobite troubled contemporaries and continues to vex historians. Was he simply unable to stay out of a plot, as Bishop Burnet inferred and Thomas Macaulay later reiterated?<sup>6</sup> Had he been a consistent defender of the Duke of York from the outset, whose plotting against Charles II and James II were merely attempts to thwart Whig designs from the inside, as his nineteenth-century biographer James Ferguson claimed?<sup>7</sup> Some scholars have suggested that Ferguson was simply "on the take," writing for the highest bidder, and some believe he was so deeply disappointed with the paltry reward that he received after the Revolution that he turned to Jacobitism in revenge.<sup>8</sup> J. R. Jones attributes Ferguson's conversion to a more noble cause, asserting that he "worked against every administration because he believed that all ministries were and must, under the existing system, be oppressive, corrupt, and parasitic."<sup>9</sup> But Ferguson's writings provide thin evidence for this argument. Indeed none of these interpretations satisfy, and there is no consensus among scholars as to how one might understand this strange individual who appears, disappears, and reappears throughout the political history of Restoration and Revolutionary Britain.

This essay hopes to shed new light on Ferguson's radical transformation from true Whig to Jacobite, and to take the Plotter seriously as a political thinker, positing two points that will perhaps soften what outwardly seems like an extreme volte-face. First, I argue that, insofar as Restoration character types go and given the temper of the times, Ferguson was not as unusual as he may seem. To measure the man side by side with his friends and enemies reveals that such political "conversion" experiences were hardly unique. Second, I argue that Ferguson was actually a sophisticated and consistent political theorist. His so-called "Whig Jacobitism" revolved around his understanding of England's ancient constitution, ideas he formulated in the 1680s, and his unwavering desire to protect Protestantism

from popery.<sup>10</sup> While his life might have been a winding maze, his basic political principles remained unchanged throughout his transformation.

### FERGUSON AND HIS CONTEMPORARIES

Ferguson seems to have been a particularly well-known figure in his own age, although not always a particularly well-liked one. In the 1680s, as a Whig, he was personally known to important Dissenting and Anglican clergy, Cromwellian soldiers and Commonwealthmen, Whig publishers and politicians and London City Whigs, Scottish politicians and conspirators, royalist informants and spies, and sectarians in Holland and New England.<sup>11</sup> Naturally, Tories sought to defame this Whig incendiary in newsletters, song, satire, sermons, and verse. Roger L'Estrange, in his weekly *The Observer*, spoke of Ferguson as "fierce, bloody, and rebellious," "a son of thunder," and "a Lucifer."<sup>12</sup> The monarchist and soldier George Wood skewered Ferguson in his diatribe on passive obedience:

Curs't Ferguson . . .  
 This wicked Viper scarce slept Night or Day,  
 He was so greedy for a Royal Prey:  
 . . . .  
 He was for binding our blest King in Chains,  
 Hoping Rebellion would requite his pains.  
 But God, I hope, our King will long preserve,  
 And give such Rebels what they do deserve.<sup>13</sup>

Even before Ferguson's conversion from extreme Whiggism to full-blown Jacobitism following the Revolution, the Plotter's mere presence made the Williamite Whigs of the new regime uneasy. He smacked too much of the bad old days—of caballing and plotting, of Shaftesbury and Green Ribbons, of shrieval riots and ignominious juries. He, along with other radical Whigs like the Reverend Samuel Johnson, were a cold blast from an unwanted past. The Whig martyrologies that were published shortly after the Revolution and dedicated to the memory of Whig heroes such as Lord Russell, Algernon Sidney, and the hapless Monmouth never mention Ferguson. He was already being written out of Whig history.<sup>14</sup> His conversion to Jacobitism around 1690 simply made it easier for the newly empowered Whigs to disown him, defame him and attempt to hunt down and incarcerate him. Now Ferguson was something worse still; he was, in a word, inconsistent. As one tract entitled *Robert Against Ferguson* (1704) put it: "Mr. Ferguson's whole life has been one continued maze of intricate windings, turnings, shiftings, doublings, sculkings, playing bo-peep, and dissembling, prevaricating and betraying (like a perfidious Jesuit) all mankind."<sup>15</sup>

In the eighteenth century, Ferguson's reputation fared poorly. Bishop Burnet, who knew Ferguson, despised him. The Whig Bishop White Kennett portrayed Ferguson as the most "dangerous plotter, one that gave the bloodiest counsels."<sup>16</sup> The Victorians were equally hostile. Macaulay set the tone: Ferguson was a "low minded agitator, half maniac and half knave . . . violent, malignant, regardless of truth, insensible to shame, insatiable of notoriety, delighting in intrigue . . . There is indeed reason to believe that he was the original author of those sanguinary schemes which brought so much discredit on the whole Whig party."<sup>17</sup> Critics

heaped on Ferguson everything that was untoward about the tactics of the first Whigs in the era of the Popish Plot and Exclusion. In this fashion, the sanctity of the Whig martyrs, the nobles, William, Lord Russell, and Colonel Algernon Sidney could be preserved and the commoner and Scotsman could bear all. His conversion to Jacobitism was merely the proof of the pudding.

A liar, libeler, knave, cheat, and dissembler whose life was a “winding maze,” Ferguson sounds uniquely troubled and troublesome. Yet placed within the context of his times, he doesn’t seem so unusual. In fact, shifting with the wind was more or less a national pastime in Restoration England. Nor was it usually a simple matter of cowardice, weak knees, and flexible spines. Self-interest played a large role, to be sure, but so did the will to survive and to remain politically viable in a fast-changing environment. Ferguson’s career looks far less bizarre given that prominent individuals—from bishops to politicians to playwrights—changed their beliefs and principles with each new regime or royal policy change.

Sir John Trenchard was one of Ferguson’s erstwhile friends. In the era of the Popish Plot and Exclusion, Trenchard was on the same side as the Plotter. A pupil of John Tillotson during the latter’s Presbyterian phase, Trenchard had been nursed on Roundhead politics and religious nonconformity. In the West Country, he enjoyed huge popularity as the “movement man” who could supposedly rally hundreds of Dissenting woolworkers and disaffected yeomen to the Protestant cause.<sup>18</sup> Trenchard was a pro-Exclusion leader in parliament, the chairman of the Green Ribbon Club, and a big talker who boldly declared that “a Trenchard had as much right to the crown as any Stuart.”<sup>19</sup> He was also a boon companion of the Duke of Monmouth and knee-deep in the intrigues known as the Rye House Plot. In fact, according to the testimonies of those who turned king’s evidence, Trenchard intended to lead an insurrection in the West; but when told to prepare for action, he dithered and ultimately failed to deliver.

Ferguson witnessed Trenchard’s reluctance and later reminded him and the reading public of his cowardice: “when your assistance was required . . . your fear being awakened and increased by the approach of danger, you excused both yourself and the giving of the aid you promised.”<sup>20</sup> Trenchard reinforced his reputation as a coward among radical Whigs when he fled abroad as soon as he got wind of Monmouth’s approach in June 1685. Once in Holland, he consorted with old rebels and radicals and drank to James II’s confusion, then started praising the Prince of Orange, hoping to wait out James’s reign. However, soon enough he began to seek out the king’s informants, to openly repent his past, and to speak kindly of the king. He tried to buy a pardon, but his bribe was taken out and burned before his eyes. Eventually, James II’s people used Trenchard to coax other Whig and Dissenting refugees home, and Trenchard himself was pardoned in 1687.<sup>21</sup> Back in England, he tried to advise James II and was one of those closeted with the king in November 1688.<sup>22</sup>

Despite having had little part in the Revolution, Trenchard quickly transformed himself into a stalwart Williamite, and in 1693 he was appointed Secretary of State, Northern Department. Secretary Trenchard, and the Whig bullies he hired, earned a reputation for ferocity in the hunt for suspected Jacobites during the Lancashire Plot investigation in 1694. They allegedly planted evidence, took

bribes, and rigged juries. When Trenchard's henchmen incarcerated him with other Jacobites, Ferguson retaliated in *A Letter to Mr. Secretary Trenchard*. The scathing attack cleverly parallels the harassment tactics of Trenchard and company with the tactics used to persecute Whigs by Charles II's government. According to Ferguson, Trenchard's corruption of his office fueled the opposition among both Trenchard's old Whig friends and his Jacobite enemies: "Sir, your administration gratifies many thousands whom you call your friends, as well as it doth all your enemies, because the iniquity and badness of it gives the one and the other prospect and hopes of seeing the government pulled down with more facility and resistance than it was set up."<sup>23</sup>

Trenchard's trajectory from true Whig under Charles II, to Whig collaborator under James II, to establishment Whig under William and Mary, may well seem politically repugnant today, but at that time it was certainly far from extraordinary. There were at the very least twenty prominent Whig collaborators, men who made peace with James II.<sup>24</sup> Nor is it so strange that men who had formerly plotted to assassinate James would one day embrace his regime, when most were neither republicans nor antimonarchical, but were only in search of liberty of conscience, that which James was so willing to give. Whigs and Dissenters learned to change their colors often, but as rocky as the 1680s and 1690s were for them, they were perhaps even more perplexing for Tories and Anglicans.

The career of the controversial Anglican divine William Sherlock also intersects with Ferguson's at various points. But whereas Trenchard and Ferguson began as allies, Sherlock and Ferguson began as opponents. They first crossed swords in the 1670s over questions about God's divine mercy raised in the writings of the prominent Independent John Owen. Naturally, Ferguson wrote in support of Owen, while Sherlock harshly ridiculed the more mystical side of such Puritan theology.<sup>25</sup> Sherlock also attacked Ferguson directly in *An Account of Mr. Ferguson's Common-Place-Book* (1675), wherein he accused him of plagiarizing from nine different authors: "I can scarce open an English author of any account, without making some new discovers of Mr. Ferguson's pilfering humor. By little arts of transplacing words, of turning nouns into verbs, or verbs into past participles, or converting a single word . . . Mr. Ferguson has become a famous author."<sup>26</sup>

Ferguson remained a collector and distiller of ideas, but by the late 1670s he had shifted from writing religious polemics to producing political tracts in the service of Shaftesbury. Sherlock, meanwhile, was a rising star in London's clerical world, one of a cluster of brilliant divines that included John Tillotson, Thomas Tenison, and Simon Patrick. In 1685 he became master of the Temple, also receiving the use of a house and a generous salary. During this period, Sherlock penned bitter invectives against Whig principles, particularly the right of resistance.<sup>27</sup> While Sherlock, in league with Tory politicians and Anglican clergy, supported the divine right of kings and passive obedience, he also voiced real concerns about James II's Catholicism. The king retaliated by withdrawing the pension that Charles II had granted to Sherlock.<sup>28</sup> Then, in 1687, Sherlock refused to read James's Declaration of Indulgence even though he feared losing his appointment at the Temple. He asked the Presbyterian minister John Howe what he would do if offered the position. Howe gently reassured him that he would accept the position, but would resign the emoluments to Sherlock.<sup>29</sup> Sherlock was not prepared to play the martyr.

This was made crystal clear following the Revolution, when Sherlock's shifting positions destroyed his reputation. Like many Anglican clergy who had preached passive obedience, Sherlock found the Revolution perplexing. Initially, the clerical establishment thought Sherlock would support the new regime. He was even listed among the ten clergy that Bishop Burnet recommended to William for advancement.<sup>30</sup> But in January 1689 discussions over establishing a more comprehensive church raised Sherlock's hackles, and he published *A Letter to a Member of the Convention* calling for the restoration of James II. Sherlock then refused to take the oaths to William and Mary and became a leading nonjuror, especially as he persuaded others to follow him. "No name was in 1689 cited by Jacobites more proudly or more fondly than that of Sherlock," writes Macaulay.<sup>31</sup>

But Sherlock must have been hesitant about losing his living, because on 2 February 1690, one day after the date set for the deprivation of the nonjurors, Sherlock shocked the London clerical community by praying for William and Mary as *de facto* sovereigns. Six months later, he abandoned the nonjurors altogether and took the oaths of allegiance. Sherlock tried to explain his new position in theological terms,<sup>32</sup> but few were convinced and most believed that after the victory at the Boyne, he had decided simply to throw his lot in with the winning side. The regime duly rewarded Sherlock for his new-found allegiance. He was reinstated at the Temple and became one of William's chaplains.

Still, Sherlock's sudden conversion made him a ready target. He was eviscerated in the press and satirized in song:

At first he had doubt, and there did pray  
That heaven would instruct him in the right way,  
Whether Jemmy or William he ought to obey,  
Which nobody can deny.

The pass at the Boyne determined that case;  
And precept to Providence then did give place;  
To change his opinion he thought no disgrace;  
Which nobody can deny.<sup>33</sup>

Jacobites and nonjurors saw Sherlock as a Judas. Whigs such as the Reverend Samuel Johnson and the more moderate William Atwood lashed out at his espousal of *de facto* kingship, which they saw as jeopardizing English liberties.<sup>34</sup> But Sherlock had a new supporter in none other than Robert Ferguson. Certainly, Ferguson the Jacobite was disappointed with Sherlock's move into William's camp, but he did agree that the new sovereigns were *de facto* only: "Most of those that serve this government, as well as those who refuse allegiance to it, believe him on the throne to be only King *de facto*, but not *de jure*. Nor is this merely the opinion of your non-swearers and those called Jacobites, but it is the firm belief of two parts in three of the swearers, who are vulgarly styled Williamites . . . tis in this that Sherlock has many more followers than [Samuel] Johnson."<sup>35</sup>

Yet despite the public ridicule, twists and turns of allegiance, religion, and party were common enough during the Restoration. After penning antipapist plays, John Dryden converted to Catholicism. Likewise, the polemicist Henry Care went from ardent Whig and anti-Catholic to strident supporter of James II.<sup>36</sup> Nor



was Ferguson the only Whig and Dissenter who became a Jacobite. For various reasons, the Irish Puritan Nathaniel Hooke, the Scots politician Sir James Montgomery, and Charlwood Lawton, the writer and friend of William Penn, all went over to Saint-Germain. Not surprisingly, the lives of these men also criss-crossed with that of Ferguson.

Like Ferguson, Nathaniel Hooke (1664–1738) was an Independent minister. He joined the Earl of Argyle's circle of Whig and Dissenter refugees in the Netherlands in 1685.<sup>37</sup> As the Duke of Monmouth's private chaplain, Hooke, along with Ferguson and another eighty-one rebels, landed with Monmouth at Lyme Regis in 1685. Hooke managed to escape the perils of Sedgemoor and the Bloody Assizes and go into hiding. He was exempted from the general pardon of 1686.<sup>38</sup> But in 1688, he gave himself up and was pardoned, supposedly by betraying his old associates.<sup>39</sup> Henceforth Hooke fashioned himself into a loyal servant of James II. During the Revolution, he joined Viscount Dundee and the Jacobites in Scotland, but was captured that spring and sent to the Tower. Again, he played the role of double-dealer, warning Lord Halifax that there were those in William's government who were "false."<sup>40</sup> His February 1690 release indicates that he might have even offered specific names. He rejoined James II, fought at the Battle of the Boyne, went into exile with the king, and converted to Catholicism at Saint-Germain. He spent most of the 1690s in the French Irish regiment.<sup>41</sup>

Charlwood Lawton (1660–1721) also started his career as a Whig. During the 1680s, he considered himself a "State Whig": friendly to monarchy but concerned about civil liberties, particularly liberty of conscience.<sup>42</sup> In 1687, he used his friendship with William Penn to obtain a pardon from James II for his friend "Jack" Trenchard.<sup>43</sup> After the Revolution, Lawton became the chief publicist for the Whig Jacobites, writing numerous tracts which spoke to radical Whig disappointment with the Revolution and ongoing frustration with William's administration, particularly over corruption and the war. Like Ferguson, Lawton was a contractarian, and as Whig Jacobites both argued that the Revolution "blotted out . . . our original contract."<sup>44</sup> Not surprisingly, Ferguson and Lawton were also both recruited to write for the country opposition and became dependents of Sir Robert Harley.<sup>45</sup>

Sir James Montgomery (c.1654–94) of Skelmorlie's family had sided with the covenanters during the mid-century Civil Wars, and Montgomery was known to be disaffected during the 1680s. Although Montgomery had helped to carry the Glorious Revolution through in Scotland, he became embittered when he didn't receive the reward he expected. As the leader of the so-called Club, a group of Whiggish Scots who saw the Revolution as not nearly revolutionary enough, Montgomery organized a kind of country opposition within parliament.<sup>46</sup> The Club might have been successful in its negotiations with William if not for Montgomery himself, who became paranoid and began sabotaging the group's efforts from the inside. Already by December 1689, Montgomery was plotting with Jacobites and collaborating with Robert Ferguson. In 1690 he and the Jacobite agent Neville Payne concocted a plot in Scotland to restore James II. When the Montgomery Plot was exposed, he escaped to England, but having failed to gain a pardon from the Queen, had no choice but to continue in the fellowship of London Jacobites. Montgomery was involved in another Jacobite plot in 1691, but ever the double-



dealer, he began leaking the names of his fellow conspirators to Queen Mary in order to win a pardon. Ferguson discovered this and warned James II.<sup>47</sup> Having so alienated William and the Whigs, Montgomery remained a Jacobite by default until his death in 1694. He did write a major Jacobite tract, *Great Britain's Just Complain*, which was published shortly after the victory at La Hogue and did much to revive flagging Jacobite spirits. In the end, however, Montgomery's deceit and paranoia probably did about as much to set back the Jacobite movement as his tracts did to advance it.

### FERGUSON AS A WHIG

Robert Ferguson was a clever Whig pamphleteer.<sup>48</sup> He successfully fused arguments from history, reason, natural law, and ancient constitutionalism. He also frequently reiterated Protestant mythology about a long history of Catholic atrocities and Protestant suffering, much of it culled from such writers as Andrew Marvell and Henry Care. He was never dismissive of any strain of Whig argument. He contradicted himself, naturally, often subordinating the coherence and consistency of his ideas to his primary concern, gaining adherents. Certainly his political arguments could be sophisticated but, first and foremost, he was a propagandist who employed fearmongering, apocalyptic imagery, and repetition. This said, Ferguson did remain an ardent defender of Protestantism throughout his Whig and Jacobite careers, consistently fighting to secure political safeguards for the Reformed religion. The threat he perceived from popery and absolutism remained a constant during his lifetime. He also never abandoned the idea that the English constitution was essentially founded on an original contract between the prince and the people. Whether defending the ancient constitution from Charles II, James II, or William III, he used the same basic arguments.

As a Whig ideologue in the late 1670s and 1680s, Ferguson supported the claims of the Exclusionists and the followers of the Duke of Monmouth. Like every other polemicist of the era, whether Whig or Tory, Ferguson couched his arguments in the language of tradition. Time and again, he asserted that the Whig Exclusionists were simply those bent on preserving the constitution, and that they never intended to alter any part of England's ancient government. The Plotter developed his constitutionalism over the course of the 1680s and articulated it most lucidly in the two documents he wrote in defense of popular resistance, *Monmouth's Declaration* (1685) and *A Brief Justification of the Prince of Orange's Descent into England* (1689).

While *Monmouth's Declaration* has a rather black reputation—asserting, among other falsehoods, that the Duke of York had poisoned his brother, Charles II—it is by no means devoid of political ideology. It begins by stating that although government was “originally instituted by God,” its eventual form suits the decisions of men and their needs for “peace, happiness, and security.” The magistrate functions to protect the people from “violence and oppression” and to “promote their prosperity.” In England, “according to primitive frame of government,” the king is “limited and restrained by the fundamental terms of the constitution.” His prerogative powers are to be used solely for the defense of the people and for the promotion of their happiness. Not without “violation of his own oath” can the

king do the people any "hurt." The "prerogatives of the crown" and the "privileges of the people" are to stand in balanced harmony. Yet, "all human things being liable to perversion as well as decay," so "the boundaries of the government have late been broken," which has resulted in "turning our limited monarchy into an absolute tyranny."<sup>49</sup> Ferguson assures his audience that those in arms aim to restore the kingdom's ancient constitution without displacing "any essential part of the old English government."<sup>50</sup>

Despite this restorative discourse, the *Declaration* lists numerous demands that essentially favor parliamentary power. Ferguson calls for annual parliaments, "legally chosen and acting with freedom," while also abolishing the king's power to dissolve them. His proposed parliament would have exclusive right to raise and maintain standing armies, and most importantly, would settle the matter of the succession. *Monmouth's Declaration* also calls for the repeal of all penal laws against Protestant nonconformists; places the control of the militias under the sheriffs; and demands the reaffirmation of habeas corpus and an end to the use of exorbitant fines as punishment.<sup>51</sup>

J. P. Kenyon describes *Monmouth's Declaration* as the "last public statement of Shaftesbury's Whigs."<sup>52</sup> It might have been if Ferguson had have been killed at Sedgmoor or fell victim of the Bloody Assizes. But the Plotter escaped and lived to scheme and scribble yet another day. Ferguson's political thinking continued to mature during his exile in Holland between 1685 and 1688. There he authored two fairly sophisticated tracts on the question of religious toleration.<sup>53</sup> He was almost surely in contact with the growing circle of English and Scottish advisors around the Prince and Princess of Orange, and in November 1688 he accompanied William to Torbay. Having always had a penchant for bravado, the Plotter supposedly kicked in a church door that was barred against him and, with sword in hand, proclaimed, "cursed be he who keeps his sword from blood."<sup>54</sup> A few months later, in defense of William's cause, Ferguson penned his finest Whig polemic, *A Brief Justification of the Prince of Orange's Descent into England, and of the Kingdom's Late Recourse to Arms*.<sup>55</sup> Printed shortly before the Convention Parliament, the *Brief Justification* strove not only to defend the events of November and December, but to provide conventioners with a solution to the current interregnum, with James overseas and William and his army standing by. The winter of 1688–89 witnessed a virtual flood of Whig literature seeking to persuade, convince, and cajole the English out of their allegiance to James II, including a vast number of Exclusion-era tracts reprinted in order to justify popular resistance and parliament's right to settle the succession.<sup>56</sup> Still, *A Brief Justification* stands out; Ferguson gave conventioners a constitutional framework that vindicated the winter's events, and also directed them toward a pragmatic solution—the joint monarchy of William III and Mary II.

Once again, Ferguson states that while all government "derives in ordination" from God, God imposes no limitations upon magistrates other than that they should "govern for the good" of their peoples (*BJ*, 6). Any other bounds imposed on the magistrate are entirely defined by the people upon their first submission to government. Those who become "cloathed with magistracy can lay claim to no more authority over the liberty, or pretend to no more right in and over the property of that body politick than the community conferred upon them." "[For the magistrate] to extend the governor's right to command and the subject's duty

to obey, beyond the laws of one's country is treason against the constitution . . . dissolving the ties by which princes stand confined." The prince becomes a tyrant, and those who urged him on are traitors (*BJ*, 6–7, 8).

Ferguson then turns from this universalist application of basic contractarian principles to the particular case of England. Here, the original agreement between the prince and the people dates back to Saxon times and was confirmed by Edward the Confessor and William, the first Norman king—who was, of course, no conqueror. The Great Charter was only declarative of the people's rights, which they had enjoyed since time immemorial. The people of England having always possessed "so great a portion of the legislative power and through having a right by several positive laws to annual parliaments we can both relieve ourselves from and against everything that either threatneth, endangereth, or oppresses us" (*BJ*, 14).

In the second half of *A Brief Justification*, Ferguson vindicates the events of that winter. Certainly, James II's violation of the English constitution justified popular resistance: "His whole reign hath been a continued invasion of our lives, liberties, and properties." Nonetheless, force had not been entirely necessary, since James himself forfeited his own crown by "retiring across the sea." Ferguson then reviews the various options available to the Convention. Talk of retrieving James by "a little few desperate people" is nonsense; this "kingdom has embarked too far to think of retreating." James's misgovernment "disableth him from being trusted with authority any more. . . . His very retreating into France is just bar against the admitting his return" (*BJ*, 19, 22). On the other hand, dreams of "reducing England to a democrattick republick" are fantasies of shallow men unacquainted with the true nature of government and genius of nations, "for the mercurial and masculine temper of the English people is not to be molded and accommodated to a democracy." This would be impracticable where there is "numerous nobility and gentry, unless we should destroy and extirpate them" (*BJ*, 23).

Thus, since the "government of England is imperfect without a King," it is necessary that "we should cure this defect in the body politick" (*BJ*, 24). Ferguson proceeds with a long history of parliament's ability to settle the succession. Only in the last paragraphs of his forty-page tract does he come, not to William, but to Mary: "they must be enemies of the Kingdom who would have any thing withheld from or denied unto her . . . For how great so ever she is by her quality, she is far greater by her merit." Yet she is married, and while there "may be a partner in the royal style, there can be none in the regal power . . . the prince, her husband, is the only person fit at this season for the latter." Mary shall be named in "all laws, gifts, grants, and patents, etc." (*BJ*, 33–34). While "her husband is vindicating and defending the kingdom by an exercise of the sovereign power, she will more effectually reform it by her manners than can be done by a thousand laws." As he brings his arguments to a close, Ferguson states, "that which remains to be done is to declare the Prince of Orange, King." "His unchangeable adherence to what he promised in his Declaration, as a Prince, shows with what sacredness, he will observe his oath as a King."<sup>57</sup>

But Ferguson was wrong, or so he soon thought. William did not uphold his Declaration to the satisfaction of many radical Whigs. Within eighteen months of the Prince of Orange's invasion, Ferguson began criticizing the new regime and was

off plotting with Jacobites. However, this disenchantment with William was likely a more gradual process than critics usually posit. If the measure of a Jacobite is simply knowledge of and communication with Jacobites, then he was a Jacobite—but, by this standard, so were many Tories and numerous radicals like the former Leveller John Wildman. As H. C. Foxcroft observed long ago, “disillusioned Whigs” and “the sullen Tories” were apt to cast longing glances across the water.<sup>58</sup>

### FERGUSON AS A JACOBITE

In the summer of 1689, Sir James Montgomery and his Club approached Ferguson, as a Scot and an able polemicist, to represent Scottish grievances. The request resulted in Ferguson’s first critique of William’s administration, *The Late Proceedings and Votes of the Parliament of Scotland*. Ferguson clarifies his continued support for the king, but questions William’s unwillingness to oblige the Scottish parliament in all its demands: “It were unpardonable to think that a Prince of so much wisdom, goodness, honor, justice and truth, as His Majesty is known to be” should delay or depart from his “sacred word” and frustrate the expectations of his people. Ferguson squarely assigns blame to William’s reliance on former tools of James II, who slander good men by calling them republicans. The king has nothing to fear from republican principles, asserts Ferguson, as long as he continues to preserve “unto his people their rights and liberties, esteem parliaments . . . and make the known laws the measure and standard of your government.”<sup>59</sup>

Thus, Ferguson’s descent into Jacobitism emanated initially from disappointed Scottish Whiggism. Montgomery’s own frustration, disenchantment, and paranoia worked well with Ferguson’s restless energy and piqued sense of righteousness. Over the next several months, Ferguson continued to intrigue with the discontented. In 1690 he was arrested along with Sir John Cochrane, another former radical Whig, on suspicion of treasonous practices, but was released for lack of evidence.<sup>60</sup> Two years later, he again landed in Newgate for suspicious activity, but these short imprisonments only served to embolden the wily Plotter and push him further into the arms of Saint-Germain.

Ferguson began publishing again at a breakneck pace in 1694. His two tracts of that year do not yet directly blame William for the injustices done to poor, misused Jacobites and nonjurors, but rather blame William’s corrupt Whig ministers. The Jacobites, harassed by men like Secretary John Trenchard, remain committed to the principles of passive obedience. They have not renounced, Ferguson asserts with great irony, “all the religious as well as political principles with which your Tillotsons, Burnets, Sherlocks, etc imbu’d them.”<sup>61</sup> Of course, this was a lie—Jacobites were certainly willing to use force—but it cleverly illuminated the duplicitous behavior of many of the leading clergy who had preached passive obedience during Charles II’s reign, but accepted the Revolution. More importantly, Ferguson reasserted his commitment to the “ancient English constitution” which he saw as being under siege by the illegal atrocities of William’s henchmen. How strange it is, writes Ferguson, that subjects “should meet with harsher measure in 94 than they did in 83.”<sup>62</sup>

The following year, Ferguson issued three more tracts in which any lingering hope that the current regime would reform itself had evaporated. His two

companion pieces, *Whether Parliament be not in Law Dissolved by the death of the Princess of Orange* and *Whether the Preserving of the Protestant Religion was the Motive . . . that was designed in the Late Revolution*, both attack the king and his administration outright from a constitutionalist position. As always, Ferguson claims to seek the restoration of the “old English constitution.” In many respects, he makes the same arguments and sounds exactly the same as his former Whig self: “our whole government was founded upon the supposal and concession, that it was to be a government of and over freemen . . . . And the Great Charter, and other laws . . . did not create and give us a right to the freedom of our persons; but they did only assert, vindicate, and fence it about. They were not laws of manumission from bondage, but declaratory of our antecedent and inherent title to liberty.”<sup>63</sup>

Ferguson did, however, renounce his former position that resistance to James II in 1688 was justified. *Salus populi* remained the supreme law, but the ancient constitution never contained any “stipulatory agreement by which it is provided that if princes do not as they should, they do either forfeit their sovereign authority or that we may lawfully rebel against and dethrone them.”<sup>64</sup> While the use of force may not have been permitted within the framework of the original contract between the people and the prince, the ancient constitution had been completely subverted by the 1689 Convention. “Whatever there was of an original contract between former kings and the free people of these kingdoms, yet it is undeniable, there is a very formal and explicit one [the Bill of Rights] between K. William and them.”<sup>65</sup> This formal contract established the Prince of Orange as a *de facto* king only. His rule had become tyrannical; force was necessary to oppose force, to defend life, liberty, and the laws established.<sup>66</sup> This interpretation utterly justified the Jacobite cause. Ferguson never resorted to Tory arguments of divine right, Filmerian patriarchalism, or right of conquest, and his constitutionalist arguments lend a certain amount of respectability to the Jacobite cause, especially to the modern sensibility.

By the late 1690s and early 1700s, Ferguson began writing for the country opposition. His *An Account of the Obligations the States of Holland have to Great Britain* (1711) vehemently attacks Whigs, mercantile interests, the Dutch and all foreigners, and especially the war and those like the Marlboroughs who profited from it. Ferguson was also in communication with Sir Robert Harley, and went from judiciously leaking the names of his Jacobite friends to betraying them outright, hoping to be rewarded for his services.<sup>67</sup> If he was a double agent, it would not have been the first time. Ferguson had been a government informant before, betraying his Dissenting friends in London in the early 1660s and rumors abounded that he remained a double-dealer throughout the reign of the Charles II.<sup>68</sup>

Rumors also circulated that Ferguson had converted to Catholicism. Burnet claimed that Ferguson pretended to be “high church, but many believed him a papist.” Similarly, an informant for Anne’s government reported that the Plotter, who was known as “Uncle” among the Jacobites, only feigned Protestantism but was actually an “old Roman Agent wrapt up in a Geneva Charter.”<sup>69</sup> Nonetheless, Ferguson usually aligned himself with Protestant Jacobites and churned out violent anti-Catholic polemics. Just as Ferguson’s Whig tracts were replete with tales of Catholic barbarism and Protestant sacrifice, so Ferguson the Jacobite could not restrain himself from more lurid tales of worldwide Catholic conspiracy, despite his

support of James II and James III. In 1695, Ferguson began developing his story of the Revolution as part of Catholic plotting which he brought to fruition in 1706 with *History of the Revolution*, arguing that it was “neither K. James’s intent to destroy nor the Prince of Orange’s to protect the Protestant religion.” Because James II would not support the supremacy of the Pope over England, Rome “pitched” upon the ambitious Prince of Orange to invade England, divide the Church of England, and make war on France to end the “Gallican” Church’s ancient liberties. Prince William was more than happy to comply and was reconciled to Rome.<sup>70</sup> Though this kind of anti-Catholic rhetoric was nothing new for Ferguson, he now added a violent antisectarianism as well as a new devotion to the Church of England, Charles I of Blessed Memory, and the entire Stuart dynasty, excepting Mary II. In this respect, his screeching sounded increasingly like High Church propagandists such as Mary Astell and Jacobites such as Charles Leslie.

Ferguson’s extraordinarily capable pen aided the cause of radical Whigs, Jacobites, and the country politics of old Whigs and new Tories for over forty years. But Ferguson was also, insofar as his contemporaries were concerned, a liar, a libeler, knave, cheat, and a dissembler. In other words, he was a product of the volatile political culture of his times. Modern critics have glorified a number of Restoration liars, Aphra Behn among them. But Ferguson has had few admirers. Perhaps it is time to rethink the Plotter, not because he wasn’t a trickster and a double-crosser, but because he was so wonderfully able to articulate the constitutionalist position across the 1689 divide. Clearly, Jacobitism embraced not only divine-right monarchists, as expected, but sometime Whigs as well—: men who believed that the Revolution would preserve and safeguard the old English constitution, not abrogate it.

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#### NOTES

1. An earlier version of this paper was given at the International Conference for the Study of Political Thought in honor of J. G. A. Pocock at Columbia University in September 2007. John Pocock’s *The Ancient Constitution and the Feudal Law* inspired me to write about Ferguson’s volte-face, an issue with which I did not engage in my 1999 book on radical Whigs. I am indebted to Professor Pocock as well as to Lois G. Schworer, who read and critiqued this paper.

2. John Dryden, *The Second Part of Absalom and Achitophel* (London, 1682), ll. 321–23; Aphra Behn, *Love Letters Between a Nobleman and His Sister* (New York: Virgo Classics, 1987), 416–17.

3. Burnet’s comments on Ferguson are cited throughout this essay (see n. 4). For Evelyn and Luttrell, see John Evelyn, *The Diary*, 6 vols. (Oxford: Clarendon Press, 1955), 1:323, 329; 4:322, 323, 452, 455; and Narcissus Luttrell, *A Brief Historical Relation of State Papers*, 6 vols. (Oxford: Oxford Univ. Press, 1857), 1:263, 266, 267, 273; 2:459.

4. Gilbert Burnet, *History of His Own Times*, 6 vols. (Oxford: Oxford Univ. Press, 1833), 2:358. (Hereafter cited as HT.)

5. See James Ferguson, *Robert Ferguson, the Plotter* (Edinburgh, 1887); Edmund Calamy, *The Nonconformists Memorial, being an Account of the Lies, Sufferings and Printed Works of Two Hundred Ministers* (London, 1775); and biographical entries in the *Biographical Dictionary of British Radicals in the Seventeenth Century*, ed. Richard Greaves and Robert Zaller, 3 vols. (Brighton: Harvester Press, 1983–84); *The Oxford Dictionary of National Biography* (Oxford: Oxford Univ. Press, 2004). (Hereafter cited as OD.)

6. HT, 2:358; Thomas Babington Macaulay, *History of England from the Ascension of James II*, ed. C. H. Firth, 6 vols. (London, 1913–15), 4:181. Ferguson himself lent credence to this position



when he told his fellow Rye House Plotters in 1683, "I will never be out of plot so long as I live" (T. B. Howell, ed., *A Complete Collection of State Trials*, 22 vols. [London, 1816], 9:409).

7. This highly improbable supposition is based mainly on Ferguson's own unpublished account of the Rye House Plot, written while he was in exile and probably designed to justify his actions if he were caught. See Robert Ferguson, "Concerning the Rye House Business," in James Ferguson, *Robert Ferguson, the Plotter*, 409–37.

8. Ferguson was appointed Housekeeper of the Excise Office. Some contemporaries thought he wished for a bishopric, which seems rather absurd considering that in 1689 he was still a nonconformist.

9. J. R. Jones, *The First Whigs* (Oxford: Oxford Univ. Press, 1961), 15.

10. On the Whig Jacobites, see Paul Monod, "Jacobitism and Country Principles in the Reign of William III," *Historical Journal* 30 (1987): 299–310; Monod, *Jacobitism and the English People, 1688–1788* (Cambridge: Cambridge Univ. Press, 1989), 23–27; and Mark Goldie and Clare Jackson, "Williamite Tyranny and the Whig Jacobites," in *Redefining William III: The Impact of the King-Stadholder in International Context*, ed. E. Mijers and D. Onnekink (Aldershot: Ashgate Publishing, 2007), 177–99.

11. See Melinda Zook, *Radical Whigs and Conspiratorial Politics in Late Stuart England* (University Park: Pennsylvania State Univ. Press, 1999), 93–102.

12. Roger L'Estrange, *The Observer*, 1683, #133; 1684, #178; 1683, # 398.

13. George Wood, *Loyalty, The Ornament of Christianity, Or, Scripture Proofs for Monarchy* (London, 1686), 8–9.

14. [John Tutchin], *The Bloody Assizes or the Compeat History of the Life of George, Lord Jefferies* (London, 1689); [John Tutchin], *A New Martyrology, or the Bloody Assizes* (London, 1693); [John Tutchin], *The Western Martyrology or the Bloody Assizes* (London, 1705).

15. *Robert Against Ferguson: or a New Dialogue between Robert an Old Independent Whig and Ferguson a New Tory Jacobite* (London, 1704), preface, pages unnumbered.

16. *HT*, 2:358; White Kennett, *A Complete History of England*, 3 vols. (London, 1706), 3:409.

17. Macaulay, *History of England*, 3:1103; 2:526–27.

18. *Calendar of State Papers, Domestic Series, July 1 to September 30, 1683*, 356 (hereafter cited as CP); Alan J. Miller, "Sir John Trenchard—The Movement Man of the West," *The Dorset Year Book* (1996), 17–20; Robin Clifton, "Trenchard, Sir John (1649–1995)," OD.

19. CP, *July 1 to September 30, 1683*, 227, 252.

20. Robert Ferguson, *A Letter to Mr. Secretary Trenchard* (London, 1694), 3.

21. British Library, Add. 41818, ff. 98–99; 206–7, 136–37.

22. See "Mr. Lawton's Memoir," in *Memoirs of the Historical Society of Pennsylvania*, vol. 3, part II (Philadelphia, 1836), 227.

23. Ferguson, *Letter to Trenchard*, 7.

24. See Zook, *Radical Whigs*, 146; J. R. Jones, "James II's Whig Collaborators," *Historical Journal* 3 (1960), 68–70.

25. Ferguson's tracts are *A Sober Enquiry into the Nature, Measure, and Principle of Moral Virtue* (1673) and *The Interest of Reason in Religion* (1675).

26. Sherlock's "response" in Joseph Glanvill, *An Account of Mr. Ferguson's Common-Place Book* (London, 1675), 28, 12.

27. See, in particular, Sherlock's *The Case of Resistance to the Supreme Powers* (London, 1684).

28. Macaulay, *History of England*, 2:745; 4:1718; and William E. Burns, "Sherlock, William (1639/40–1707)," OD.



29. Henry Rogers, *The Life and Character of John Howe* (London, 1836), 351.
30. "Dr. Burnet to the Prince of Orange," in *Diary of the Times of Charles the Second by the Honorable Henry Sidney (afterwards, earl of Romney)*, ed. R. W. Blencowe, 2 vols. (London, 1843), 2:281–88.
31. Macaulay, *History of England*, 4:1720.
32. William Sherlock, *The Case of Allegiance due to Sovereign Powers* (dated 1691, published in 1690). On Sherlock and the allegiance controversy, see Charles F. Mullet, "A Case of Allegiance: William Sherlock and the Revolution of 1688," *Huntington Library Quarterly* 10 (1946–47), 83–103.
33. "The Weasel Uncased," in *Poems on the Affairs of State: Augustan Satirical Verse, 1660–1714*, gen. ed. George de F. Lord, 7 vols. (New Haven: Yale Univ. Press, 1963–75), 5:249. Also see *Sherlock and Xanthippe* (London, 1691), which attributes Sherlock's change of heart to his wife, who was commonly portrayed as a shrew.
34. Samuel Johnson, *Remarks on Dr. Sherlock's book intituled [sic] The Case of Allegiance due to Sovereign Princes, Stated and Resolved* London (London, 1690); William Atwood, *Dr. Sherlock's Two Kings of Brainford brought upon the stage in a Congratulatory Letter to Mr. Johnson* (London, 1691).
35. Ferguson, *Letter to Trenchard*, 6.
36. See Phillip Harth, *A Pen for a Party: Dryden's Tory Propaganda and Its Contexts* (Princeton: Princeton Univ. Press, 1993); and Lois Schwoerer, *The Ingenious Mr. Henry Care, Restoration Publicist* (Baltimore: Johns Hopkins Univ. Press, 2001).
37. Later created Baron Hooke of Hooke Castle by James III. See M. A. H. D., Marquis of Ruigny and Raineval, ed., *The Jacobite Peerage* (Edinburgh, 1904), 66–67.
38. James II's General Pardon (10 March 1686) is printed in Appendix 1 of *The Monmouth Rebels, 1685*, compiled by W. MacDonald Wigfield (New York: St. Martin's Press, 1985).
39. HMC: *Calendar of the Stuart papers belonging to His Majesty the King, preserved at Windsor Castle*, 7 vols., 6:548.
40. *The Life and Letters of Sir George Savile*, ed. H. C. Foxcroft, 2 vols. (London, 1898), 2:224.
41. *Jacobite Peerage*, 67.
42. "Mr. Lawton's Memoir," 223.
43. In his memoirs, Lawton describes how he asked Penn to seek a pardon for John Trenchard, telling him that "a bottle with Jack Trenchard would make me so cheerful that it would prolong my life" ("Mr. Lawton's Memoir," 220).
44. Charlwood Lawton, *The Jacobite Principles vindicated, in an Answer to a Letter sent to the Author* (1693), in *A Collection of Scarce and Valuable Tracts . . . Lord Somers*, ed. Sir Walter Scott, 13 vols. (London, 1809–15), 10:528. (Hereafter cited as ST.)
45. Monod, "Jacobitism and Country Principles," 300; Goldie and Jackson, "Williamite Tyranny," 180.
46. J. A. Halliday, "The Club and the Revolution in Scotland, 1689–1690," *Scottish Historical Review* 45 (1966): 143–59.
47. P. A. Hopkins, "Sir James Montgomerie of Skelmolie," in *The Stuart Court in Exile and the Jacobites*, ed. E. Cruickshanks and E. Corp (London: Hambledon Press, 1995), 39–59.
48. On Ferguson and Whig propaganda, see Richard Ashcraft, *Revolutionary Politics and John Locke's Two Treatises of Government* (Princeton: Princeton Univ. Press, 1986); and Zook, *Radical Whigs*, 93–113, 149–56.
49. Robert Ferguson, *Monmouth's Declaration*, in ST, 9:254.
50. Ferguson, *Monmouth's Declaration*, 9:256.

51. Ferguson, *Monmouth's Declaration*, 9:257–58.
52. J. P. Kenyon, *Revolution Principles: The Politics of Party, 1689–1720* (Cambridge: Cambridge Univ. Press, 1990), 9.
53. Robert Ferguson, *A Representation of the Threatening Dangers impending over Protestants in Great Britain* (1687), and *Reflexions on Monsieur Fagel's Letter* (London, 1688).
54. Roger Morrice, *The Entering Book of Roger Morrice*, gen. ed. Mark Goldie, 6 vols. (Woodbridge: The Boydell Press, 2007), 4:341.
55. Robert Ferguson, *A Brief Justification of the Prince of Orange's Descent into England, and of the Kingdom's Late Recourse to Arms* (1689). (Hereafter cited as BJ).
56. See Mark Goldie, "The Revolution of 1689 and the Structure of Political Argument," *Bulletin of Research in the Humanities* 83 (1980): 473–564.
57. BJ, 35, 36; the "declaration" to which Ferguson refers to is *The Declaration of His Highness William Henry, Prince of Orange, of the Reasons Inducing Him to Appear in Arms*, published in October 1688.
58. Foxcroft, *Savile*, 2:141.
59. Robert Ferguson, *The Late Proceedings and Votes of the Parliament of Scotland* (1689), 7.
60. CP, 1690/1691, 28, 37; *The Correspondence of the earl of Clarendon and his brother Laurence Hyde, Earl of Rochester*, 2 vols. (London, 1828), 2:316.
61. Robert Ferguson, *A Letter to the Right Honorable Sir John Holt, Kt., Chief Justice of the King's Bench* (1694), 12.
62. Ferguson, *Letter to Trenchard*, 26, 19.
63. Robert Ferguson, *Whether Parliament be not in law dissolved* (1695), 14.
64. Ferguson, *Whether . . . dissolved*, 17–18.
65. Ferguson, *Letter to Trenchard*, 4.
66. Ferguson, *Whether . . . dissolved*, 17.
67. David Szechi, *Jacobitism and Tory Politics, 1710–14* (Atlantic Highlands, NJ: John Donaldson Publishers, Ltd., 1984), 9.
68. "Williamson's Spy Book," *Transactions of the Congregational Historical Society*, ed. T. G. Crippen (Kraus Reprint, 1969), 5:12. Certainly Macaulay thought Ferguson had played the spy throughout the 1680s; Macaulay, *History of England*, 2:652.
69. HT, 5:126; Matthew Smith, *Private memoirs of relations to His Grace the late Duke of Shrewsbury* (London, 1718), 3.
70. Robert Ferguson, *The History of the Revolution* (1706), 5, 9–10.